

EXHIBIT 1

Commonwealth of Virginia



Case No. CL18003305

Doc No: 3131972

SUMMONS

TO THE SHERIFF: YOU ARE HEREBY COMMANDED TO SERVE:

Serve: Michael Armellino
Bilbo Baggins Restaurant Doing Business As
5811 Hampton Forest Way
Fairfax, VA 22030

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of The Commonwealth of Virginia, the 14th day of November, 2018.

A handwritten signature in cursive script that reads "James Dawkins".

James Dawkins
Deputy Clerk

Edward Semonian
Clerk, Circuit Court
520 King Street #307
Alexandria, VA 22314
(703) 746-4044

Copy to Serve

IN THE COMMONWEALTH OF VIRGINIA
FOR THE CITY OF ALEXANDRIA CIRCUIT COURT
CIRCUIT COURT - CIVIL DIVISION

MICHAEL STAR, }

PLAINTIFF, }

VS. }

Case No. CL18003305

MICHAEL ARMELLINO, DBA }

BILBO BAGGINS RESTAURANT }

DEFENDANT. }

MOTION FOR JUDGMENT

WARRANT IN DEBT

The Plaintiff, pro se, comes before the Honorable District Court seeking judgment against the Defendant in the amount of \$100,000.

The Plaintiff was unjustly terminated by Defendant. The basis of the suit is WRONGFUL TERMINATION, BREACH OF IMPLIED CONTRACT; HARRASSMENT; VIOLATION OF THE AMERICANS WITH DISABILITIES ACT (ADA); AND RETALIATION FOR THREAT OF REPORTING UNLAWFUL HIRING PRACTICES.

The foundations for the claims which are noted above are further explained in the following memorandum in support:

2018 OCT 18 P 3:57

IN THE COMMONWEALTH OF VIRGINIA
FOR THE CITY OF ALEXANDRIA CIRCUIT COURT
CIRCUIT COURT - CIVIL DIVISION

MICHAEL STAR,	}	
PLAINTIFF,	}	
VS.	}	Case No. _____
MICHAEL ARMELLINO, DBA	}	
BILBO BAGGINS RESTAURANT	}	
DEFENDANT.	}	

STATEMENT OF CLAIMS

Plaintiff, pro se, comes before the Honorable District Court to outline the exact nature of the claims that are levied against the Defendant:

- 1) Plaintiff was unjustly terminated by the Defendant from the restaurant owned by the Defendant, Bilbo Baggins, on **Saturday, September 29th, 2018** at approximately **6:30 PM**.

- 2) The manner in which Defendant terminated the Plaintiff was by way of a text message sent by the Defendant:
"Your (sic) a no post for dinner...Your (sic) a no post...Your shenanigans will not be tolerated (6:48 PM)...Stop texting me (6:55 PM)...Cash out and key tonite (sic)...Don't test me(7:40 PM)."

"Your (sic) a no post for dinner...Your (sic) a no post...Your shenanigans will not be tolerated (6:48 PM)...Stop texting me (6:55 PM)...Cash out and key tonite (sic)...Don't test me(7:40 PM)."

3) The Defendant did not adhere to the implied contract of his own Employee Manual which clearly and plainly states the following:

"Not posting for a shift (showing up) without prior approval will result in counseling with your supervisor/manager and discipline."

4) Furthermore, the Employee Manual clearly states the following:
"Continued unexcused absences may result in termination."

The Plaintiff did not meet any of the specific criteria outlined in the Defendant's Employee Manual for termination by reason.

5) Virginia is an "at will" employment state, but the very fact that the Defendant gave the Plaintiff a specific reason for firing him invokes the Defendant's Employee Manual. The specific reason for termination does not meet any of the circumstances of the day in question.

6) The Plaintiff has been diagnosed by medical doctors as being BIPOLAR. He takes daily medication and sees a mental health Doctor on a regular basis to treat his particular condition. The Defendant was informed about the particular malady on numerous occasions before his firing,

7) After working nine (9) continuous hours on the date in question, **September 29th, 2018**, the Plaintiff took a break to go home and take his medication and he returned to the Defendant's place of business shortly after **7:00 PM**, ready to work as was expected of him by the Defendant.

8) The video recording system of Defendant's restaurant will clearly confirm that the Plaintiff was at work as indicated above. The Defendant confronted the Plaintiff at approximately **7:10 PM** on **September 29th, 2018**

and he threatened to have the Plaintiff arrested for trespassing if the Plaintiff did not immediately leave the restaurant owned by the Defendant.

9) The Defendant is a notorious **BULLY**, by definition. He constantly yells at his employees and threatens them by using profane language; and he further threatens them that he will fire them for the smallest transgression from what he demands.

10) The Defendant maintains a **HOSTILE WORK ENVIRONMENT** and although his Employee Manual clearly outlines that there is no harassment tolerated in the Defendant's restaurant, he vents his temper on a regular basis to his employees and his wife, the General Manager, Linda Kane.

11) The Defendant continued his endless harassment of the Plaintiff even after he was fired, by calling the Alexandria Police to have the Plaintiff arrested for items allegedly missing from the Defendant's restaurant and supposedly kept by the Plaintiff. The allegation was false and no arrest was ever made. A police report was made in writing.

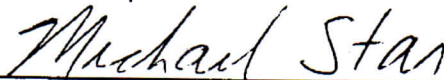
12) The Plaintiff will present numerous witnesses that will attest to the fact that the Defendant is a classic **BULLY** and maintains a very toxic work environment, filled with threats, profane language, and the continuous harassment of his employees.

13) The Plaintiff was scheduled to work a double-shift on **Saturday, September 29th, 2018**. However, due to the uncontrollable rage of the Defendant he was fired without ever being given a chance to explain himself. These text messages are kept as evidence. There were no reasons aside from the text messages (sent to the Plaintiff) for his termination.

- 14) The Plaintiff was entitled to take a break between his first and second shift on **Saturday, September 29th, 2018**. He intended to go home, change his white shirt, and take his medication; after which he would return to the restaurant and resume work, as needed. However, instead he was fired without just cause.
- 15) The Defendant fired the Plaintiff on a previous occasion, because the Plaintiff discussed the fact that the Defendant hires illegal aliens to work for minimal wages while he shelters them from the Immigration and Customs Enforcement Agency.
- 16) On **July 19th, 2018**, the Plaintiff filed a case against the Defendant in the Alexandria General District Court making a whistleblower claim against the Defendant. In the case, the Plaintiff stated that he was unjustly fired because he knew the Defendant harbored illegal aliens for scale wages.
- 17) The Plaintiff voluntarily dismissed the case when the Defendant settled the matter with him. The Plaintiff was rehired, although the practice of hiring illegal immigrants continued. The Plaintiff is prepared to present evidence that this is a valid claim and one more reason the Plaintiff was fired a second time. Written records will prove this allegation.
- 18) Upon DISCOVERY, the Plaintiff will demonstrate a pattern of discrimination and retaliation against the Plaintiff while employed by the Defendant. Numerous witnesses will verify the claims made by the Plaintiff and proof will be presented in the upcoming trial.
- 19) Upon DISCOVERY, the Plaintiff will demonstrate a pattern of Defendant hiring illegal aliens to work for low wages with the promise of becoming a lawful citizen of the United States.
- 20) Upon DISCOVERY, the Plaintiff will demonstrate that the environment of Bilbo Baggins was hostile to those who worked there. The Defendant will be proven to be a BULLY who considered himself above the law.

CERTIFICATE OF SERVICE

As the Plaintiff in the present case, I do hereby affirm that the information provided is true and correct to the best of my knowledge. A copy of the foregoing claims has been filed with the Clerk of Court for the Alexandria Circuit Court and a copy has been provided to the Defendant at his place of business, in complete accordance with the Virginia Supreme Court Rules of Civil Procedure.

A handwritten signature in cursive script that reads "Michael Star". The signature is written in black ink and is positioned above a horizontal line.

Michael Star
2936 Mount Vernon Avenue
Alexandria, Virginia 22305
(703) 953-0232
mike1star1@yahoo.com

IN THE COMMONWEALTH OF VIRGINIA
FOR THE CITY OF ALEXANDRIA CIRCUIT COURT
CIRCUIT COURT - CIVIL DIVISION

MICHAEL STAR,	}	
PLAINTIFF,	}	
VS.	}	Case No. _____
MICHAEL ARMELLINO, DBA	}	
BILBO BAGGINS RESTAURANT	}	
DEFENDANT.	}	

CONTACT INFORMATION FOR PARTIES

PLAINTIFF, Michael Star

2936 Mt. Vernon Avenue

Alexandria, Virginia 22305

(703) 953-0232

DEFENDANT, Michael Armellino, DBA Bilbo Baggins Restaurant

208 Queen Street,

Alexandria Virginia 22314

(703) 683-0300